

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD DIVISION**

**Kelly Wayne Christian,  
Plaintiff,**

**vs.**

**J.A. Tupper,  
Defendant,**


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) **CIVIL ACTION NO. 1:19-CV-00271**  
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**MEDIATION REPORT**

On October 17, 2019, the undersigned conducted mediation with the parties pursuant to the Plaintiff's **Letter-Form Motion** (ECF No. 21) that the undersigned construed as a request for mediation. Due to the Plaintiff's difficulty in travel, the undersigned allowed the parties to attend by phone. The Plaintiff was present telephonically and the Defendant appeared by Counsel only, telephonically. The undersigned had each party on a separate line and relayed the offers between the parties telephonically. I am pleased to report that the matter was settled. Since neither party was present in person with the undersigned, a signed mediation agreement was not prepared or signed by the parties, but both parties agreed to settle this matter by the Defendant paying the Plaintiff the sum of One Thousand Dollars (\$1,000.00) which sum will be paid to the Plaintiff within approximately sixty (60) days. The Defendant will prepare a release and settlement agreement and forward that to the Plaintiff to execute and return to the Defendant's counsel. Upon payment of the settlement proceeds, the Defendant will prepare and forward to the Court a Dismissal Order dismissing this matter with prejudice.

The Clerk is directed to forward this Report to the Plaintiff and Counsel for the Defendant.

Filed on October 17, 2019.

  
Omar J. Aboulhosn  
United States Magistrate Judge